THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.4282 of 2007

Date:22.03.2007

Between:

B.Venkata Sambasiva Rao

PETITIONER

AND

The Eastern Power Distribution Company of A.P. Ltd. and others.

---------RESPONDENTS

ORDER:

The petitioners are consumers of electrical power, through service connection Nos.178/V and 317/4 of Teegalavancha Village of West Godavari District. While the first one is said to be for agricultural purpose, the second one is for poultry farm. On 09.11.2005, the premises were inspected by the officials of the respondents. Notices of provisional assessment were issued alleging that the petitioners committed irregularities in consumption of power. The loss caused to the respondents was estimated at Rs.26,873/- in case of the first petitioner and Rs.23,566/- in case of the second petitioner. It is stated that on receiving the notices of provisional assessment, the petitioners submitted explanations and that the matter is pending before the authority concerned.

The Assistant Divisional Engineer, Construction-cum-Operation, Kamavarapukota issued notices, dated 10.02.2007, to the petitioners directing them to pay the amount covered by the notice of provisional assessment and threatened to attach their properties in case of default. The same are challenged in this writ

petition.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

It is not in dispute that an order of final assessment is yet to be passed in pursuance of the notices of provisional assessment issued to the petitioners. Their actual liability can arise only after the orders of final assessment are passed. The first respondent ought to have waited till the competent authority pass final orders. He proceeded as though the amount specified in the notices of provisional assessment has assumed finality and not only demanded the amount, but also threatened the petitioners with dire consequences.

On realizing the impermissibility of such a course, the first respondent addressed a letter, dated 14.03.2003, withdrawing the impugned notices. Further, the authority concerned had already issued a notice of hearing to the petitioners in the final assessment proceedings.

For the foregoing reasons, the writ petition is disposed of, taking on record the letter, dated 14.03.2007, issued by the first respondent withdrawing the impugned notices. The liability of the petitioners would depend upon the outcome of the final assessment orders. There shall be no order as to costs.

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22.03.2007

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